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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,539	02/17/2004	Casey Chung	011687.00036	2451
22908	7590	12/01/2005	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

M.A

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/781,539	CHUNG, CASEY	
	Examiner	Art Unit	
	Adam C. Rehm	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/17/2004</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second slopes per Claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 18 is objected to because of the following informalities:

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- Line 1: "wherein of the" is incorrect; suggest: "wherein the";
3. Claim 23 is objected to because of the following informalities:
- Line 9: "in an first angle" is incorrect; suggest: "in a first angle";
  - Lines 10-11: contain a fragment.
4. Claim 32 is objected to because of the following informalities:
- Line 2: "an angled displaced from" is incorrect; suggest: "an angle displaced from."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5, 8-15, 20-22 and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by ENTROP ET AL. (US 6,250,772), which discloses:
- A T-5 light source mountable within the thickness of a light fixture and including opposed longitudinal ends defining a longitudinal axis and a vertical plane transverse/orthogonal to the axis (4/5, Figs. 1 and 2);
  - A light shield mounted to the fixture (72) comprising a center (II, Fig. 1) located on a 180 degree axis (4/5/II, extending straight up) and parallel to a longitudinal axis (4, centerline, Fig. 2);

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- A first side having an outer edge (one side from the center (II) to an outer edge), a first path (2) and a first plurality of coverage zones (6 and 72 divide light paths into square sections, Figs. 1 and 2);
- A second side having an outer edge (one side from the center (II) to an outer edge of the fixture), a second path (2) and a second plurality of coverage zones (6 and 72 divide light paths into square sections, Figs. 1 and 2);
- Wherein each coverage zone has a light blocking area that blocks an amount of light (the side of 6 nearest the light has a width capable of blocking an amount of light; Fig. 1 below, Refs. D, E and F wherein Ref. D is illustrates no light blockage, Ref. E illustrates 66 percent light blockage; and Ref. F illustrates a linear path from (II) of blocked to unblocked light);
- Wherein the first plurality of coverage zones extend from the center to the first outer edges along the first path (Fig. 1 illustrates the coverage zones extending from the center (II) to the outer edge);
- Wherein the second plurality of coverage zones extend from the center to the second outer edges along the first path (Fig. 1 illustrates the coverage zones extending from the center (II) to the outer edge);
- Wherein the plurality of light blocking areas on the first side decreasingly block light along the first and second paths (72/74 prevents direct downward radiation, but increasingly allows radiation moving toward the

outer edges and as the second light source becomes visible past 74; Fig. 1 below, Refs. D, E and F);

- Wherein the light emitted within the vertical plane increases from a first positive light quantity in a first angle perpendicular from the longitudinal axis to a maximum light quantity in a second angle displaced from the first angle (72/74 prevents direct downward radiation, but increasingly allows radiation moving toward the outer edges and as the second light source becomes visible past 74);
- Wherein the light blocking area is linear/provides a linear change in the percentage of light shielding/blocking along the first and second paths (6 blocks light and runs linear from the center (II) to the outer edge, Figs. 1 below, Refs. D, E and F; Fig. 2);
- Wherein the first path is an inner aperture (2) having first a first slope (74) configured to decrease the amount of light blocked along the first path (Ref. F illustrates a decrease in the amount of light blocked moving away from slope the left side of 74) and a second slope configured to increase the amount of light blocked moving toward the right side of 74 and along F);
- Wherein the center (II) that covers less than 90 percent (II, Fig. 1 covers less than 90 percent of the light source);
- Wherein the light shield comprises an outer aperture (2);

- A zone boundary located on the light shield between the center and the outer edge, wherein the first coverage zone is located between the center and the boundary and a second coverage zone is located between the boundary and outer edge, wherein the light blocking area of the first coverage zone is greater than the light blocking area of the second coverage zone, which linearly approaches/is zero light-blocking coverage (Ref. A below illustrates a zone boundary between two zones (B and C) wherein more light is blocked in the first zone relative to the second);
- A first angle displaced from the perpendicular angle providing more than/at least 60 degrees ( $\alpha$ , Fig. 1); and
- A second angle acts to limit light to less than 35 percent of the maximum (Ref. E, Fig. 1 below shows 33 percent of light to pass).

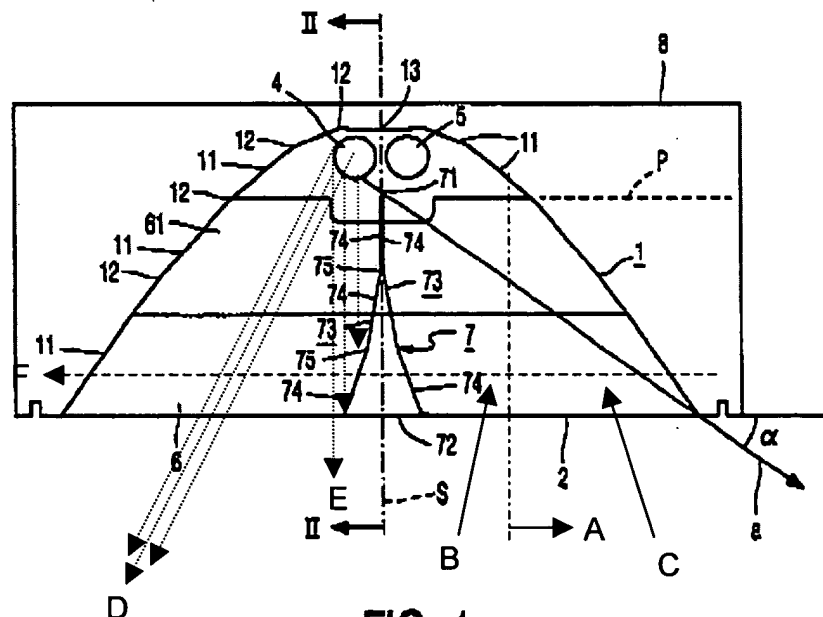


FIG. 1

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over ENTROP ET AL. (US 6,250,772). ENTROP discloses the claimed invention, but does not disclose a light fixture with a maximum width of 1.5-inches. However, it would have been obvious to one of ordinary skill in the art at the time of invention to design the ENTROP fixture with a maximum width of 1.5 inches in order to accommodate low ceilings, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

7. Claims 3, 6-7, 10, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over ENTROP ET AL. (US 6,250,772) as applied to claims 1, 20, 23 and 29 above, and further in view of YONKERS (US 4,516,197). ENTROP discloses the claimed invention including a plurality of apertures (2) providing a linear decrease along a path of amount of light blocked (72/74 prevents direct downward radiation, but increasingly allows radiation moving toward the outer edges and as the second light source becomes visible past 74), but does not disclose:

- A saw-tooth pattern on first and second sides (Claim 3);
- An inner aperture having a truncated diamond shape (Claim 6);



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- An inner aperture having five edges (Claim 7);
- An inner aperture with an edge having first and second slopes (Claim 10);  
and
- Inner and outer nonsymmetrical apertures (Claims 16, 18 and 19).

8. However, Yonkers teaches an antiglare panel having a saw tooth pattern (Fig. 4); inner and outer apertures that are saw toothed and having a truncated diamond shape with five edges (Figs, 1, 2 and 4) for the purpose of reducing glare (Column 1, Lines 4-9). It would have been obvious to one of ordinary skill in the art at the time of invention to modify ENTROP and use the antiglare panel as taught by YONKERS in order to reduce glare of the ENTROP fixture.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. HOLTEN (US 6,305,824) discloses a luminaire enabling a gradual, uniform change of light intensity.

### ***Correspondence***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
11/25/2005



ALAN CARIASO  
PRIMARY EXAMINER